

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HARONERE WILTRON ARREOLA,

Plaintiff,

v.

COUNTY OF FRESNO PUBLIC
DEFENDER'S OFFICE, et al.,

Defendants.

Case No. 1:20-cv-00272-AWI-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DISMISSING
ACTION FOR FAILURE TO STATE A
COGNIZABLE CLAIM FOR RELIEF,
FAILURE TO PROSECUTE, AND
FAILURE TO COMPLY WITH A COURT
ORDER

(ECF Nos. 4, 5)

On February 24, 2020, Haronere Wiltron Arreola ("Plaintiff"), proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 11, 2020, the assigned magistrate judge screened Plaintiff's complaint and found the complaint failed to state a cognizable claim upon which relief may be granted. (ECF No. 4.) The Court granted Plaintiff thirty days to file an amended complaint curing the deficiencies identified in the screening order, however Plaintiff failed to file an amended complaint. On April 22, 2020, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed for Plaintiff's failure to state a cognizable claim upon which relief may be granted, failure to comply with the previous court

1 order, and failure to prosecute. (ECF No. 5.) The findings and recommendations were served on
2 Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14)
3 days after service. (Id. at 4.) On May 20, 2020, the findings and recommendations were
4 returned undeliverable.

5 More than fourteen days have now passed, and Plaintiff has filed no objections nor
6 otherwise responded to the findings and recommendations. Further, Plaintiff has failed to update
7 his address within sixty-three (63) days of mail being returned as undeliverable as required by
8 the Local Rules of this Court. L.R. 183(b) (“If mail directed to a plaintiff in propria persona by
9 the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and
10 opposing parties within sixty-three (63) days thereafter of a current address, the Court may
11 dismiss the action without prejudice for failure to prosecute.”)

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
13 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds that the
14 magistrate judge’s findings and recommendations are supported by the record and by proper
15 analysis.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The findings and recommendations issued on April 22, 2020, (ECF No. 5), are
18 adopted in full;
- 19 2. This action is dismissed due to Plaintiff’s failure to state a claim upon which relief
20 may be granted, failure to comply with the Court’s order, and failure to prosecute;
21 and
- 22 3. The Clerk of the Court is directed to close this case.

23
24 IT IS SO ORDERED.

25 Dated: October 6, 2020



26 SENIOR DISTRICT JUDGE
27
28